



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable D. Kent King  
Commissioner  
Missouri Department of Elementary and Secondary Education  
Post Office Box 480  
Jefferson City, Missouri 65102-0480

Dear Commissioner King:

The purpose of this letter is to respond to the Missouri Department of Elementary and Secondary Education's (DESE's) November 1, 2004 Interim Progress Report. DESE submitted this Report in response to the Office of Special Education Programs' (OSEP's): (1) response to the State's Federal Fiscal Year (FFY) 2001 Annual Performance Report (APR) for Part C of the Individuals with Disabilities Education Act (IDEA); (2) May 7, 2004 letter regarding its December 2003 visit to Missouri to verify the effectiveness of the State's systems for general supervision and data collection under section 618 of IDEA; and (3) October 13, 2004 letter responding to the State's FFY 2002 Part C APR. OSEP appreciates the State's timely Interim Progress Report.

***General Supervision***

In its May 7, 2004 letters reporting on the verification visit and responding to the State's FFY 2001 APR, OSEP found that DESE was in noncompliance with 34 CFR §303.501 because it was not identifying noncompliance that addressed all Part C requirements and all agencies that provided Part C services, and monitoring to ensure the timely correction of identified noncompliance. OSEP's letters directed the State to submit an Interim Progress Report on October 31, 2004 regarding the State's progress in correcting that noncompliance, and a final Progress Report, no later than 30 days following one year from the date of those letters - by June 6, 2005 -- demonstrating compliance with the requirements of 34 CFR §303.501. OSEP's letters required that the Interim Progress Report include the specific steps that DESE was taking, and the progress it was making in ensuring such compliance, and report on DESE's progress in: (1) follow-up monitoring in the Phase I System Points of Entry (SPOEs) to determine the extent to which each SPOE corrected noncompliance that DESE identified in its 2002 monitoring reviews; (2) initial compliance monitoring in the Phase II SPOEs; (3) Stage II monitoring of ongoing service coordinators and other service providers (in addition to the SPOEs); (4) Stage III monitoring completing the implementation of the State's Part C monitoring system (scheduled for July 2005), which would add monitoring of the implementation of the child find system, improved outcomes and interagency agreements; and (5) ensuring that within 45 days of referral, the initial evaluation and assessment arc completed and an initial TFSP meeting convened.

DESE's November 2004 Interim Progress Report described the steps that DESE has taken, such as revising and implementing internal procedures, formats for monitoring reports with specified

corrective action plans and timelines when noncompliance is found<sup>1</sup>, and meeting with the National Center for Special Education Accountability Center (NCSEAM) to begin developing a focused monitoring system for Part C. DESE further reported that it: (1) completed follow-up monitoring in the Phase I SPOEs, providing technical assistance to help ensure timely correction of noncompliance; and (2) completed initial on-site monitoring reviews in Phase II SPOEs, issued monitoring reports; and approved correction action plans. DESE included a chart containing the dates of the: (1) initial monitoring and report, (2) follow-up monitoring and report, and (3) corrective action plan and follow-ups.

DESE further reported that it will complete its monitoring of service coordinators and service providers by June 2005, and that, until that time, it would continue monitoring service providers and ongoing service coordinators through First Steps training and credentialing requirements, monitoring service authorization reports, and complaint investigations. DESE also addressed the implementation of the final stage of its new Part C monitoring system, scheduled for July 2005, covering monitoring of child find, improved outcomes and interagency agreements, but did not provide any specific information on how it intends to monitor the remaining Part C requirements, such as those relating to child find. Finally, DESE reported that it is monitoring the data regarding the 45-day timelines and provided additional information on this data, as discussed below.

In its FFY 2003 APR, due on March 31, 2005, the State must report the progress it is making to ensure that all areas of Part C noncompliance are identified, and that identified noncompliance is corrected within one year of identification. In its final Progress Report, due no later than June 6, 2005, the State must provide documentation that the State is complying with the requirements of 34 CFR §303.501 regarding the identification of noncompliance (for all Part C requirements with all agencies that provide Part C services), and the timely correction of such noncompliance.

### ***Comprehensive Child Find System***

OSEP's March 20, 2003 response to the State's Self-Assessment identified noncompliance with the requirement, at 34 CFR §303.321(b)(1), that the State ensure that all infants and toddlers in the State who are eligible for services under Part C be identified, located, and evaluated. In its May 7, 2004 letter responding to the State's FFY 2001 Part C APR, OSEP accepted the State's strategies for correcting this noncompliance, and directed the State to: (1) ensure correction by June 6, 2005; (2) submit an Interim Progress Report, on October 31, 2004; and (3) provide a final Progress Report showing correction of the noncompliance no later than June 6, 2005.

In its November 2004 Interim Progress Report, DESE included a summary of the efforts that it has taken to improve performance and correct previous noncompliance related to child find, such as such as requiring the SPOEs, in consultation with the Regional Interagency Coordinating Councils, to develop targeted child find plans. The State also reported that that the State's Part C child count identification data continue to show the same positive trends that the State reported

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<sup>1</sup> These procedures require each SPOE to submit, within 30 days of the monitoring report, a plan that provides for correction of all noncompliance within six months from the date of the report. Further, contracts with SPOEs and other provider agencies specifically require compliance with Federal and State regulations implementing Part C.

in its FFY 2002 APR. Further, the State provided documentation that it had, as directed in OSEP's May 2004 response to the State's FFY 2001 APR, deleted from its Improvement Plan the evidence of change/benchmark statement that "referral data reflecting the percentages of referrals from racial/ethnic minority population groups is consistent with the Missouri demographics." OSEP looks forward to the State's report, as part of its FFY 2003 APR, on its progress in ensuring compliance with the requirement that all eligible infants and toddlers are identified, located, and evaluated for early intervention services, and to its final Progress Report, due by June 6, 2005, showing correction of this noncompliance.

### ***Early Intervention Services in Natural Environments***

OSEP's March 20,2003 response to the State's Self-Assessment identified noncompliance with the requirement to complete the evaluation and assessment and convene a meeting to develop an initial individualized family service plan (IFSP) within 45 days of referral (34 CFR §§303.321 (e), 303.322(e), and 303.342(a)). In its May 7,2004 letter responding to the State's FFY 2001 Part C APR, OSEP accepted the State's strategies for correcting this noncompliance, and directed the State to: (1) ensure correction within one year from the date of that letter; (2) submit an Interim Progress Report on October 31,2004; and (3) provide a final Progress Report, by June 6,2005.

In its November 2004 Interim Progress Report, DESE provided limited data with respect to the 45-day timeline requirement. DESE reported that it is monitoring the data regarding the 45-day timeline through monthly SPOE reports, and prepared a detailed report for any SPOE that had initial IFSP meetings in excess of 45 days after a child's referral. DESE indicated that it would be compiling these data during November and December 2004. However, the State concluded that "current statewide and SPOE data reports reflect data that includes acceptable reasons for exceeding timelines," and that "significant progress in reducing the number of IFSPs exceeding the 45 day timeline is being made." DESE provided data regarding the timelines that may suggest some limited improvement in this area. For example, the data indicated that during the period of July and August 2004,35.7% of IFSPs throughout the State were over the 45-day timeline, and that 45.7% of the IFSPs in the St. Louis area during this same time period were over the 45-day timeline. While both percentages represent an improvement from the data from FY 2003, which were 64.6% and 85.4%, respectively, the percentage of IFSPs over the 45-day timeline remains high, and data from only two months are not sufficient for OSEP to draw any conclusions. Furthermore, other than referencing data entry problems that the State is addressing in the St. Louis area, the State did not provide any details for its conclusion that there were "acceptable reasons" for the delays.

Accordingly, in the absence of specific data, OSEP is unable to determine whether these "acceptable reasons for exceeding timelines" are consistent with the requirements of 34 CFR §§303.321(e), 303.322(e)(2) and 303.342(a), and the requirement, under 34 CFR §303.322(e)(2), that, if exceptional circumstances arise that make it impossible to complete the evaluation and assessment within 45 days, the public agency must document the circumstances and develop and implement an interim IFSP, to the extent appropriate and consistent with 34 CFR §303.345 (b)(1)and(b)(2).

In its FFY 2003 APR, the State must provide copies of the reports it prepares for any SPOE that has initial IFSP meetings in excess of the 45-day timeline, and other specific data demonstrating the extent to which the State's standard for "acceptable reasons for exceeding timelines" is consistent with the requirements of Part C. OSEP looks forward to reviewing the progress that the State is making in correcting this noncompliance in the FFY 2003 APR, due March 31, 2005, and to the State's final Progress Report, due by June 6, 2005, showing correction of the noncompliance.

OSEP looks forward to collaborating with you as you continue to improve results for infants and toddlers with disabilities and their families. If you have questions, please contact John Edwards at (202) 245-7333.

Sincerely,

Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Melodic Friedebach